

EXHIBIT D

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, ET AL.,	:	
	:	
Plaintiff,	:	Civil Action No.: 1:17-cv-2989-AT
	:	
vs.	:	
	:	
BRAD RAFFENSPERGER, ET	:	
AL.,	:	
	:	
Defendant.	:	

DECLARATION OF MICHAEL BARNES

Pursuant to 28 U.S.C. § 1746, I, Michael Barnes, make the following declaration:

1.

I am over twenty-one years of age and am under no legal disability that would prevent me from making this declaration.

2.

I currently am the Director of the Center for Election Systems, Office of Secretary of State – Brad Raffensperger (“CES”). I was formerly Director of the Center for Election Systems at Kennesaw State University (“KSU”), which was an outside contractor with the Office of the Secretary of State, from 2010 until December 31, 2017. Beginning on January 1, 2018, all elections functions that were previously performed at KSU were moved to an internal department in the Office of the Secretary of State. I first began working at CES KSU in 2005. Prior to that time, I was the Assistant Director of Elections for the Georgia Secretary of State, and in that position I directed the State of Georgia’s transfer to a uniform system of voting, i.e., direct-recording electronic voting machines (“DREs”).

3.

In my work as CES Director, I am familiar with the operation of DREs in Georgia elections as well as certain paper records kept in connection with such operation, including records sometimes referred to as “poll tapes” and “Recap sheets” or “Recap forms.”

4.

Fulton County, Georgia includes portions of Georgia’s Fifth, Sixth, Eleventh, and Thirteenth Congressional Districts. Grady High School, in Atlanta, Fulton County, Georgia was a polling site for voters from three precincts in Fulton County—06G, 02J, and 02K—for the November 6, 2018 election. The final Recap sheet from the Grady High School polling site (“GHS”) for the November 6, 2018 election is attached hereto as **Exhibit A**. That document shows that fifteen different DREs were in use for voting at GHS over the course of the day on November 6, 2018. Poll tapes for a given polling site print with a “Machine ID” number, one for each DRE used at that site on election day, as well as a “Machine Serial” number that corresponds to a serial number on each DRE (and which also appear on the corresponding Recap sheet). Machine ID numbers count upward from zero for each polling site, so poll tapes for GHS from the November 6, 2019 election should have Machine IDs from zero to fourteen.

5.

“Federal-only ballots” refer to ballots built for voters, such as citizens living overseas, who are entitled to vote only for federal races. GEMS must account for these ballots by assigning them to a particular precinct in each county. For example, while GHS is located in Georgia’s Fifth Congressional District, in the process of building the Fulton County GEMS database for the November 6, 2018 election, all of the Fulton County federal-only ballots also were assigned to precinct 02J at GHS. In addition to federal races in the Fifth Congressional District, the poll tapes for GHS therefore will reflect races for other Congressional Districts located within Fulton County (i.e., the Sixth, Eleventh, and Thirteenth Congressional Districts) but should show zero votes cast for those other federal races on the DREs at GHS on election day.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of July, 2019.

A handwritten signature in blue ink, appearing to read 'Michael Barnes', is written over a horizontal line.

Michael Barnes

Exhibit A



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the attached 1 page is a true and correct copy of the Direct Record Electronic Voting Machine Recap for Fulton County precincts 06G, 02J, and 02K at the Grady High School Polling Location from the 2018 General Election held on November 6, 2018; all as the same appear on file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 16th day of January, in the year of our Lord Two Thousand and Nineteen and of the Independence of the United States of America the Two Hundred and Forty-Third.



Brad Raffensperger
Brad Raffensperger, Secretary of State

